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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,150	08/25/2003	William H. Saito	WSAITO.004A	3522

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EXAMINER	
LANIER, BENJAMIN E	
ART UNIT	PAPER NUMBER
2132	

NOTIFICATION DATE	DELIVERY MODE
12/14/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/648,150	SAITO, WILLIAM H.	
	Examiner	Art Unit	
	Benjamin E. Lanier	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) *2-4,14,15 and 19* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-13,16-18 and 20-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 28 November 2007 amends claims 1, 9, 16, 18, and 20. Applicant's amendment has been fully considered and entered.

Response to Arguments

2. Applicant argues, "the Applicant notes that none of these references either by themselves or in combination disclose this concept of allowing such alternative access." This argument is not persuasive because Ueshima is genuinely concerned with providing alternate access to an ATM through a mobile phone when the primary means of access is an ATM card (Col. 12, lines 9-23).

3. Applicant argues, "Ueshima is substituting a telephone as an access device on a permanent basis. Ueshima is not making any determination as to whether alternative access will be allowed via a personal communications device when the system has been advised that the individual does not have their ordinary access device." This argument is not persuasive because nowhere does Ueshima disclose that after a user accesses an ATM using their cellular phone, they are no longer able to access the ATM with their ATM card. Applicant has failed to point to any section of Ueshima that supports this allegation.

4. Furthermore, Ueshima discloses that when the user attempts to access the ATM with their cellular phone, a database is accessed and searched for the caller's telephone number identified by the caller's number identifying unit (Col. 16, lines 13-15). If the user's number is found in the user database, a password is sent to the user's cellular phone (Col. 16, lines 15-20). Since the user has preregistered for this service (Abstract), it is clear that the act of searching the user

database for the user's cellular telephone number meets the limitation of determining whether alternative access will be allowed via a personal communications device, because if the user's number is not found in the database, no password is sent and access to the ATM is ultimately denied.

Election/Restrictions

5. This application contains claims 2-4, 14, 15, and 19 drawn to an invention nonelected with traverse in the reply filed on 02 February 2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 16, 21, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ueshima, U.S. Patent No. 6,731,731. Referring to claim 16, Ueshima discloses a method and system for accessing an ATM with a cellular phone instead of using an ATM card (Col. 12, lines 9-15), which meets the limitation of allowing alternative access to a secured component wherein the secured component includes an access device reader and access to the access device is limited to individuals having an access device approval for access the secured component. To authenticate

the user at the ATM using their cellular phone, the user makes a call using their cellular phone and requests the generation of a password (Col. 16, lines 11-13), which meets the limitation of receiving a signal from an individual indicating that the individual does not have their access device for access to the secured component. A database searches the register table for the caller's telephone number identified by the caller's number identifying unit (Col. 16, lines 13-15), which meets the limitation of determining whether the individual is authorized to access the secured component via an alternative route when the individual is missing their access device. Ueshima further discloses that when a match is found in the database for the user, a password is generated and sent to the user's cellular phone (Col. 16, lines 15-20), which meets the limitation communicating with a personal communications device registered to the individual by providing an alternate access code to the individual via their personal communications device. The password is then transmitted from the cellular phone to the ATMs authentication unit (Figure 1) via a radio communications interface where the password is authenticated allowing the user to operate a bank account by the ATM (Col. 16, lines 40-45), which meets the limitation of verifying the individual's identity based upon the individual supplying the alternative access code provided to the individual via the individual's personal communications device to the system, and authorizing access based upon verifying the individual's identity based upon the individual supplying the alternative access code provided to the individual via the individual's personal communications device to the system.

Referring to claims 21, 22, Ueshima discloses that the password is then transmitted from the cellular phone to the ATMs authentication unit (Figure 1) via a radio communications interface where the password is authenticated allowing the user to operate a bank account by the

ATM (Col. 16, lines 40-45), which meets the limitation of allowing access upon verification of the individual's identity, wherein access is allowed when the individual transmits an appropriate access code and communication is established with the individual's personal communications device.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1, 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueshima, U.S. Patent No. 6,731,731, in view of Rahman, U.S. Patent No. 5,627,355, and in further view of Fernandes, U.S. Publication No. 2003/0218066. Referring to claim 1, Ueshima discloses a method and system for accessing an ATM with a cellular phone instead of using an ATM card (Col. 12, lines 9-15), which meets the limitation of allowing an individual having a personal communications device an alternative access path to one or more secure components having an associated access device reader wherein the individual normally gains access to the system by at

least in part positioning an access device into the access device reader. To authenticate the user at the ATM using their cellular phone, the user makes a call using their cellular phone and requests the generation of a password (Col. 16, lines 11-13). A database searches the register table for the caller's telephone number identified by the caller's number identifying unit (Col. 16, lines 13-15), which meets the limitation of at least one record that includes information about the individual, the information including information about the individual's personal communications device and information about whether the individual is allowed to gain alternative access to the one or more secured components via their personal communications device when the individual does not have their access device. Ueshima does not disclose that the user profile in the database contains information about the user's ATM card. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the user profile in the database to contain information about the user's ATM card in order to authenticate the user when using the ATM card as taught by Rahman (Abstract & Col. 2, lines 23-43). Ueshima further discloses that when a match is found in the database for the user, a password is generated and sent to the user's cellular phone (Col. 16, lines 15-20), which meets the limitation of in response to receiving a signal indicating that the individual seeking access to the one or more secured components does not have their access device, retrieves information about the individual's personal communication device and determines whether the individual is authorized to access the one or more secured components via an alternative route and upon determining that the individual is authorized sends an alternate access code to the individual via their personal communications device. The password is then transmitted from the cellular phone to the ATMs authentication unit (Figure 1) via a radio communications interface where the

password is authenticated allowing the user to operate a bank account by the ATM (Col. 16, lines 40-45), which meets the limitation of subsequently evaluates whether the individual has provided the alternate access code back to the controller correctly to determine whether to permit access to the secure component. Ueshima discloses that that authentication unit of the ATM can include the password table such that the database does not have to be contacted to reference the stored password (Col. 16, lines 56-58) and that the authentication unit has access to the register table with user information (Figure 1), which meets the limitation of a controller having access to the at least one record wherein the controller is in communication with the one or more secured components, a communications interface that allows signals between the individual's communication device and the controller (See Figure 1, elements 10 & 60). However, Ueshima does not specify that the password is transmitted from the authentication system of the ATM, to the user's cellular phone, once generated. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the authentication unit to include the password generation unit such that the authentication unit transmits the generated password to the user's cellular phone in addition to storing the generated password (Ueshima: Col. 16, lines 56-68) in order to provide complete financial transactions via near-proximity means that results in lower risk assignment by card issuers and resultant lower transaction fees as taught by Fernandes ([0108]).

Referring to claim 5, Ueshima discloses that that authentication unit of the ATM can include the password table such that the database does not have to be contacted to reference the stored password (Col. 16, lines 56-58) and that the authentication unit has access to the register table with user information (Figure 1). However, Ueshima does not specify that the password is

transmitted from the authentication system of the ATM, to the user's cellular phone, once generated. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the authentication unit to include the password generation unit such that the authentication unit transmits the generated password to the user's cellular phone in addition to storing the generated password (Ueshima: Col. 16, lines 56-68) in order to provide complete financial transactions via near-proximity means that results in lower risk assignment by card issuers and resultant lower transaction fees as taught by Fernandes ([0108]).

Referring to claim 6, Ueshima discloses that the password is then transmitted from the cellular phone to the ATMs authentication unit (Figure 1) via a radio communications interface where the password is authenticated allowing the user to operate a bank account by the ATM (Col. 16, lines 40-45), which meets the limitation of the controller receives the alternate access code from the individual via the individual's personal communications device and the communications interface.

Referring to claim 7, Ueshima discloses multiple embodiments detailing how the generated password is transmitted to the user's cellular phone (Col. 4, lines 21-58). One such embodiment involves transmitting the generated password to the user cellular phone as binary data, such that the user does not need to manually input the password which can simply be transmitted from the cellular phone to the ATM system (Col. 4, lines 59-67 & Col. 8, lines 54-67). However, in the other embodiments where the password is not received as binary data, the user would need to manually enter the password through password input means (Col. 5, lines 27-30). Ueshima does not specify that the password input means be directly on the ATM. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the

password input means to be directly on the ATM in order to avoid unnecessary additional steps that would be required if the password is input by the user anywhere except directly in the ATM.

Referring to claim 8, Ueshima discloses that the register table includes the user's telephone number (Col. 16, lines 13-14), which meets the limitation of the at least one record includes the telephone number of the individual's cellular telephone.

11. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueshima, U.S. Patent No. 6,731,731, in view of Rahman, U.S. Patent No. 5,627,355. Referring to claim 9, Ueshima discloses a method and system for accessing an ATM with a cellular phone instead of using an ATM card (Col. 12, lines 9-15), which meets the limitation of limiting access to at least one secured component having an associated access device reader to only authorized individuals, the system permits access to the at least one secured component when an individual provides an access device to the access device reader that is recognized as an authorized access device. To authenticate the user at the ATM using their cellular phone, the user makes a call using their cellular phone and requests the generation of a password (Col. 16, lines 11-13), which meets the limitation of the individual provides an indication to the system that the individual does not possess an authorized access device. A database searches the register table for the caller's telephone number identified by the caller's number identifying unit (Col. 16, lines 13-15), which meets the limitation of information about the individual's personal communications device, and whether the individual is authorized to access the at least one secured component via their personal communications device when the individual does not have their access device, the system determines whether the individual is authorized to access the at least one secure component via their personal communications device. Ueshima does not disclose that the user

profile in the database contains information about the user's ATM card. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the user profile in the database to contain information about the user's ATM card in order to authenticate the user when using the ATM card as taught by Rahman (Abstract & Col. 2, lines 23-43). Ueshima further discloses that when a match is found in the database for the user, a password is generated and sent to the user's cellular phone (Col. 16, lines 15-20), which meets the limitation of if the individual is authorized, communicates to the individual's personal communications device an access code. The password is then transmitted from the cellular phone to the ATMs authentication unit (Figure 1) via a radio communications interface where the password is authenticated allowing the user to operate a bank account by the ATM (Col. 16, lines 40-45), which meets the limitation of providing the access code back to the system to gain access to the at least one secured component.

Referring to claims 10, 11, Ueshima discloses that the database contains a register table with telephone numbers of registered users (Col. 16, lines 13-17), which meets the limitation of the system includes a record of personal communications devices belonging to authorized individuals, the record comprises telephone numbers for the individual's cellular telephone.

Referring to claim 12, Ueshima discloses that a password is generated and sent to the user's cellular phone (Col. 16, lines 15-20). The password is then transmitted from the cellular phone to the ATMs authentication unit (Figure 1) via a radio communications interface where the password is authenticated allowing the user to operate a bank account by the ATM (Col. 16, lines 40-45), which meets the limitation of the identity of the individual is verified by sending an

access code to the individual's personal communications device and inducing the individual to transmit the access code back to the system.

Referring to claim 13, Ueshima discloses that the user in attempting to access an ATM (Col. 16, lines 1-4), which meets the limitation of the at least one secured component has a user input through which the individual can input the access code provided to the individual's personal communications device.

12. Claims 17, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueshima, U.S. Patent No. 6,731,731. Referring to claim 17, Ueshima that to authenticate the user at the ATM using their cellular phone, the user makes a call using their cellular phone and requests the generation of a password (Col. 16, lines 11-13). Ueshima does not disclose that the password can be requested using the ATM interface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the user of Ueshima to request a password using the ATM interface as opposed to making a call using their cellular phone since the system is designed for the user to be proximate to the ATM (Figure 1 & Col. 16, lines 30-39, which details using a radio communication interface to transmit the password from the cellular phone to the ATM) and providing a means for requesting the password using the ATM interface would be more convenient, as a user, than having to physically make a telephone call and vocally request a password or navigate through a series of menus to request a password.

Referring to claim 18, Ueshima discloses that a password is generated and sent to the user's cellular phone (Col. 16, lines 15-20). The password is then transmitted from the cellular phone to the ATMs authentication unit (Figure 1) via a radio communications interface where the password is authenticated allowing the user to operate a bank account by the ATM (Col. 16,

lines 40-45), which meets the limitation of sending an access code to the individual's personal communications device receiving a signal from the individual, and evaluating the signal received from the individual to ascertain whether the signal includes the access code.

Referring to claim 20, Ueshima discloses multiple embodiments detailing how the generated password is transmitted to the user's cellular phone (Col. 4, lines 21-58). One such embodiment involves transmitting the generated password to the user cellular phone as binary data, such that the user does not need to manually input the password which can simply be transmitted from the cellular phone to the ATM system (Col. 4, lines 59-67 & Col. 8, lines 54-67). However, in the other embodiments where the password is not received as binary data, the user would need to manually enter the password through password input means (Col. 5, lines 27-30). Ueshima does not specify that the password input means be directly on the ATM. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the password input means to be directly on the ATM in order to avoid unnecessary additional steps that would be required if the password is input by the user anywhere except directly in the ATM.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

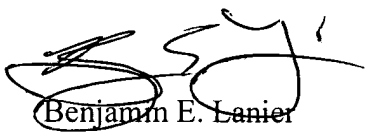
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 6:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Benjamin E. Lanier
Primary Examiner